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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/505,402 | 02/16/2005 | Thomas Beez | 10191/3940 | 7130 |

26646 7590 06/16/2005

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

SOTOMAYOR, JOHN B

ART UNIT PAPER NUMBER

3662

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/505,402 | Applicant(s) BEEZ ET AL. | |
| | Examiner John B. Sotomayor | Art Unit 3662 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 11, 12, 14, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 13, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>19AUG04</u> . | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Drawings

1. The drawings filed August 19, 2004 appear to be formal and are acceptable.

Preliminary Amendment

2. The preliminary amendment filed August 19, 2004 has been entered and considered. However it is noted that the claims that are said to have been canceled are 1-9 and new claims 10-20 are added to be examined when in fact it appears that claims 1-10 should be canceled and new claims 11-20 are being added for examination purposes. Applicant is invited to clarify this matter.

Specification

3. The substitute specification filed August 19, 2004 has been entered.

Information Disclosure Statement

4. The information disclosure statement filed August 19, 2004 has been entered and considered. An initialed copy of the PTO-1449 by the Examiner is attached.

Claim Objections

5. Claims 19 and 20 are objected to because of the following informalities: The claims recite 'to recognize blindness' which can be confusing since the claims do not

clearly establish the term "blindness". While it can be appreciated that there is terminology of "blind spots" in the area of vehicular radar, Applicants are encouraged to review the claim language for more appropriate recitation of this feature. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For the reasons stated in the above paragraph, these claims are considered to be indefinite as it is unclear as to what Applicants mean by the term "blindness" as it relates to the claimed invention. While it can be appreciated that there is terminology of "blind spots" in the area of vehicular radar, Applicants are encouraged to review the claim language for more appropriate recitation of this feature. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 11, 12, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Etoh ('298 or '450) or Huguenin et al ('589) or Tyler ('352).

The claims are considered to be met by Etoh ('298 or '450) or Huguenin et al ('589) or Tyler ('352) who disclose a multi-lobe/multi-beam radar device including, inter alia, a transmitter, receiver, and more importantly beam in the parallel direction as well as a beam in the oblique direction towards the surface. Etoh ('298 or '450) show such an arrangement as beams 69 and 65 (see Figure 2). Huguenin et al ('589) show such an arrangement as beams 173 and 172 generated by the antennas 170 and the lens means shown (see Figure 5D). Tyler ('352) shows such an arrangement as unit 3 for the parallel beam and unit 5 for the oblique beam (see Figure 3). Lenses and means to split the beams are shown in the prior art.

Allowable Subject Matter

10. Claim 18 is allowed.

11. Claims 13, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 19 and 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art show various radar systems.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Sotomayor whose telephone number is 571-272-6978. The examiner can normally be reached on Monday to Friday from 8:30AM to 5:00PM.

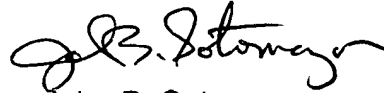
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom H. Tarcza, can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "John B. Sotomayor". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John B. Sotomayor
Primary Examiner
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